



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

Tentative Notice of Action

Promoting the wise use of land
Helping build great communities

MEETING DATE September 16, 2005 LOCAL EFFECTIVE DATE September 30, 2005 APPROX FINAL EFFECTIVE DATE October 21, 2005	CONTACT/PHONE Ryan Hostetter (805) 788-2351	APPLICANT Joseph Cruz	FILE NO. DRC2003-00108
SUBJECT Request by Joseph Cruz for a Minor Use Permit/Coastal Development Permit to construct a new approximately 3,800 square foot single story barn with a maximum height of 14' (as measured from average natural grade), and allow an existing on site mobile home to be used as farm support quarters. The project will result in the disturbance of approximately 4,000 square feet of an approximately 10 acre parcel. The proposed project is within the Agriculture land use category and is located at 2405 Paradise Lane approximately one mile south of the community of Los Osos on the south-west side of Los Osos Valley Road. The site is in the Estero planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2003-00108 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued on August 18, 2005 (ED05-089)			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Coastal Appealable Zone, Local Coastal Program, Sensitive Riparian Vegetation	ASSESSOR PARCEL NUMBER 067-171-048	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: None Applicable <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Setbacks, Height, and Farm Support Quarters <i>Does the project conform to the Land Use Ordinance Standards: Yes-see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

EXISTING USES: Site currently has a single family residence, a small barn, and mobile home	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/agriculture <i>East:</i> Agriculture/agriculture <i>South:</i> Agriculture/agriculture <i>West:</i> Agriculture/agriculture	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, CDF, Agricultural Commissioners Office, Los Osos CSD, Los Osos Community Advisory Council, and planning staff Mike Wulkan, and Terry Wahler	
TOPOGRAPHY: Site is nearly level	VEGETATION: Ornamental Vegetation, grasses
PROPOSED SERVICES: Water supply: Well Sewage Disposal: Septic Fire Protection: County Fire	ACCEPTANCE DATE: August 4, 2005

LAND USE ORDINANCE STANDARDS:

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

Setbacks: Required setbacks for this property are as follows: Front 25', Side 30', and Rear 30'.
This project complies with these standards.

Height Requirements: Maximum height for structures in the Agriculture Land Use Category is 35' measured from average natural grade. *This project complies with this requirement at a maximum height of approximately 16'.*

Farm Support Quarters: The property contains an existing un-permitted mobile home in addition to the existing primary residence. Because only one primary single family residence is allowed on the property, the applicants wish to keep the mobile home on site and convert it to a farm support quarters. The mobile home is also currently being used as a farm support unit today for the existing horse farm. The applicant runs a private horse breeding facility (no boarding) that contains at least 15 brood mares. Following are standards the project must comply with for the farm support quarters:

1. The structure shall not be located on prime agricultural soils
2. The applicant shall demonstrate that the number of employees for which housing is proposed is consistent with the allowable density table in subsection (5) of this section (23.08.167 c 5), or that a greater number of farm support quarters is necessary to support the existing agricultural activity. The demonstrations of necessity may be in the form of documentation of the number of employees previously used by the property owner in the agricultural operation, or by citing examples of employees used by other agricultural operations of similar size and products.
3. Density is not to exceed one unit per 15 brood mares, or one unit per 30 horse boarding stalls, or one unit per riding school or exhibition facility.
4. Of street parking must be provided at a ratio of one space per dwelling
5. Use of the mobile home for farm support quarters is to satisfy the standards of Section 23.08.163.

This project complies with these standards because the existing horse farm contains one family that lives on site, who helps maintain the horse facilities, horses, and breeding operation. There are at least 15 brood mares on site, however the facility is a private operation and is not permitted as a specialized animal facility (pursuant to 23.08.052).

Mobile Home (23.08.163): The mobile home can be used as a farm support quarters as long as the mobile home meets the requirements of 23.08.163 for individual mobile homes. Following are the standards the project must comply with for use of the mobile home as farm support:

1. The mobile home shall be certified under the National Manufactured Housing Construction and Safety Act of 1974; and
2. The mobile home is to be installed on a permanent foundation or a foundation system pursuant to Section 18551 of the California Health and Safety Code; and
3. Exterior siding (excluding windows) is to consist of non-reflective materials designed to resemble wood, stucco, rock masonry or concrete block or other non-reflective, textured surface; and
4. Roofs are to consist of non-reflective materials designed to resemble wood shakes, wood or composition shingles, tile, rock, sod, or metal with a baked-on color or other non-reflective textured surface; and
5. Roofs shall have eave and gable overhangs of not less than one foot as measured from the vertical side of the structure.

This project complies with these standards as the mobile home meets all of these requirements.

COASTAL PLAN POLICIES:

Shoreline Access: ☒ N/A Policy No(s):
Recreation and Visitor Serving: ☒ N/A Policy No(s):
Energy and Industrial Development: ☒ N/A Policy No(s):
Commercial Fishing, Recreational Boating and Port Facilities: ☒ N/A Policy No(s):
Environmentally Sensitive Habitats: ☒ N/A Policy No(s):
Agriculture: Policy No(s): 4
Public Works: ☒ N/A Policy No(s):
Coastal Watersheds: ☒ N/A Policy No(s):
Visual and Scenic Resources: ☒ N/A Policy No(s):
Hazards: ☒ N/A Policy No(s):
Archeology: ☒ N/A Policy No(s):
Air Quality: ☒ N/A Policy No(s):

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

Agriculture Coastal Plan Policy no. 4 Siting of structures: Single family and accessory agricultural buildings necessary to agricultural uses shall, where possible, be located on other than prime agricultural soils and shall incorporate whatever mitigation measures are necessary to reduce negative impacts on adjacent agricultural uses. The proposed project meets these requirements and is not located on prime agricultural soils.

COMMUNITY ADVISORY GROUP COMMENTS: Los Osos Community Advisory Council reviewed the project at their August, 26, 2004 meeting and had no comments.

AGENCY REVIEW:

Public Works-"Recommend Approval, no concerns."

CDF – No comments received

California Coastal Commission – No comments received

LEGAL LOT STATUS:

The lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Ryan Hostetter and reviewed by Matt Janssen

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class 3) pursuant to CEQA Guidelines Section 15303 because the project includes the addition of two accessory structures that are located on slopes less than 10% and will have no negative environmental impact.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies/does not satisfy all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the proposed project does not include any increase in the existing traffic flow generated with the existing residence.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

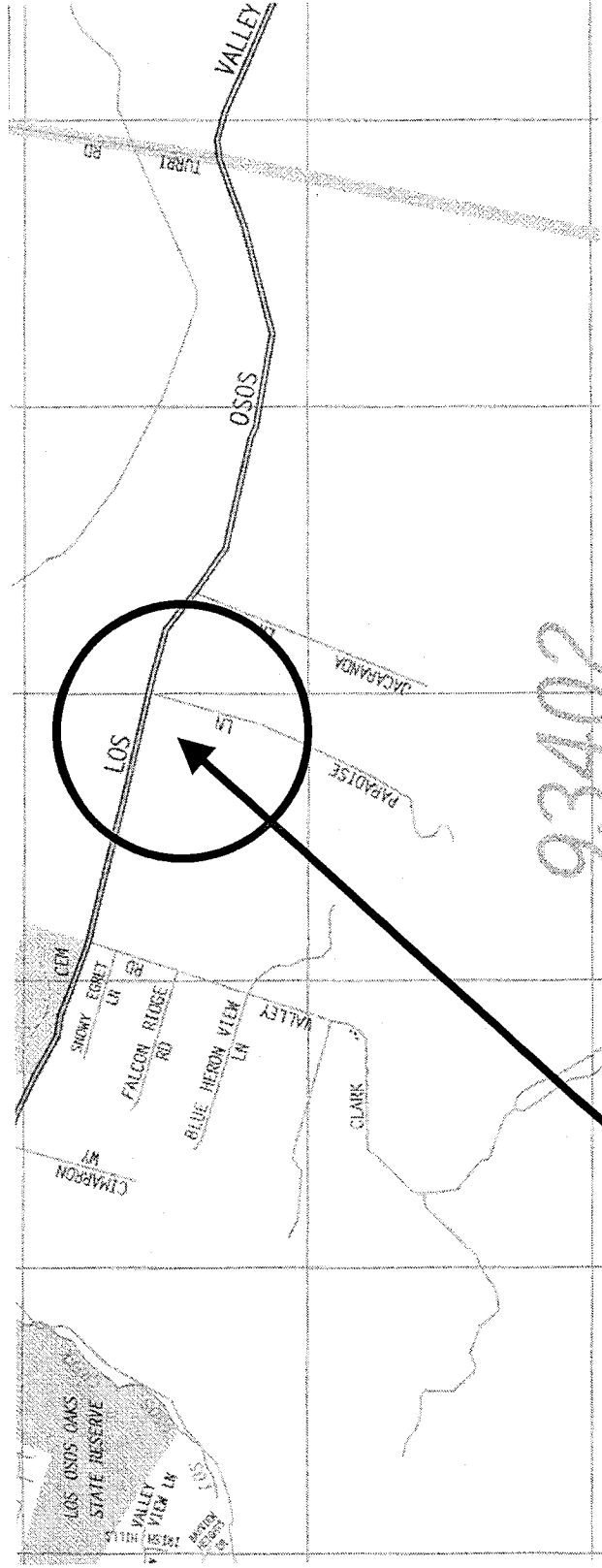
1. This approval authorizes:
 - a. a Minor Use Permit/Coastal Development Permit to construct a new approximately 3,800 square foot single story barn with a maximum height of 14' (as measured from average natural grade), and allow an existing on site mobile home to be used as farm support quarters. The project will result in the disturbance of approximately 4,000 square feet of an approximately 10 acre parcel.
 - b. a maximum height of 16' (measured from average natural grade).

Site Development

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
3. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.
4. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
5. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On Going Conditions

6. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
7. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.



SITE

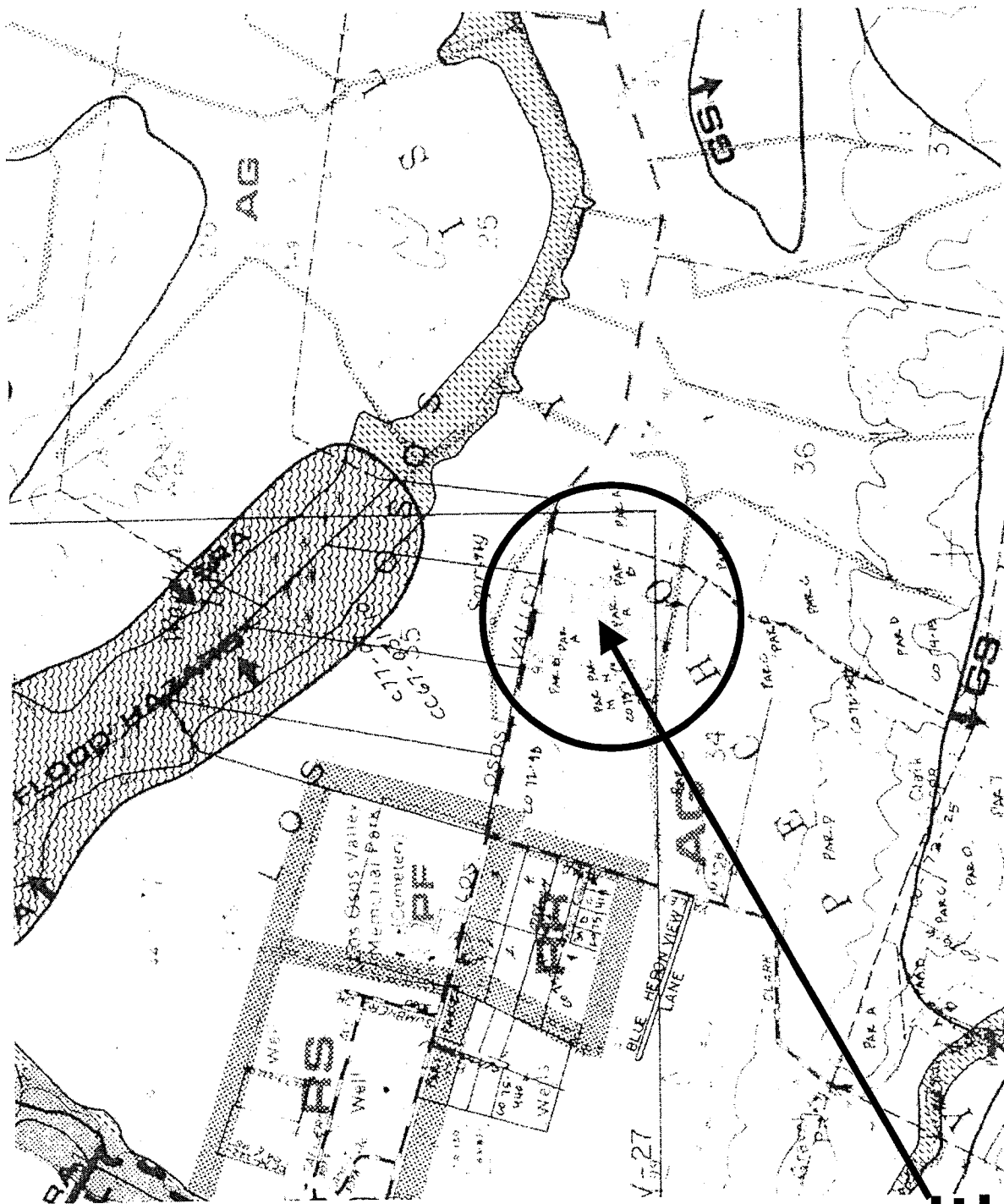
PROJECT

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EXHIBIT

Vicinity Map





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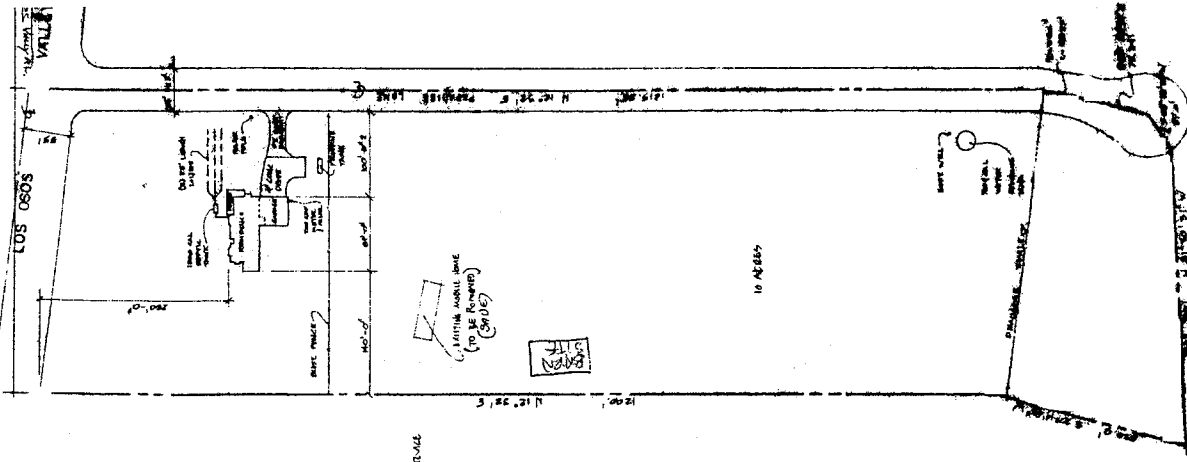
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EXHIBIT

Land Use Category

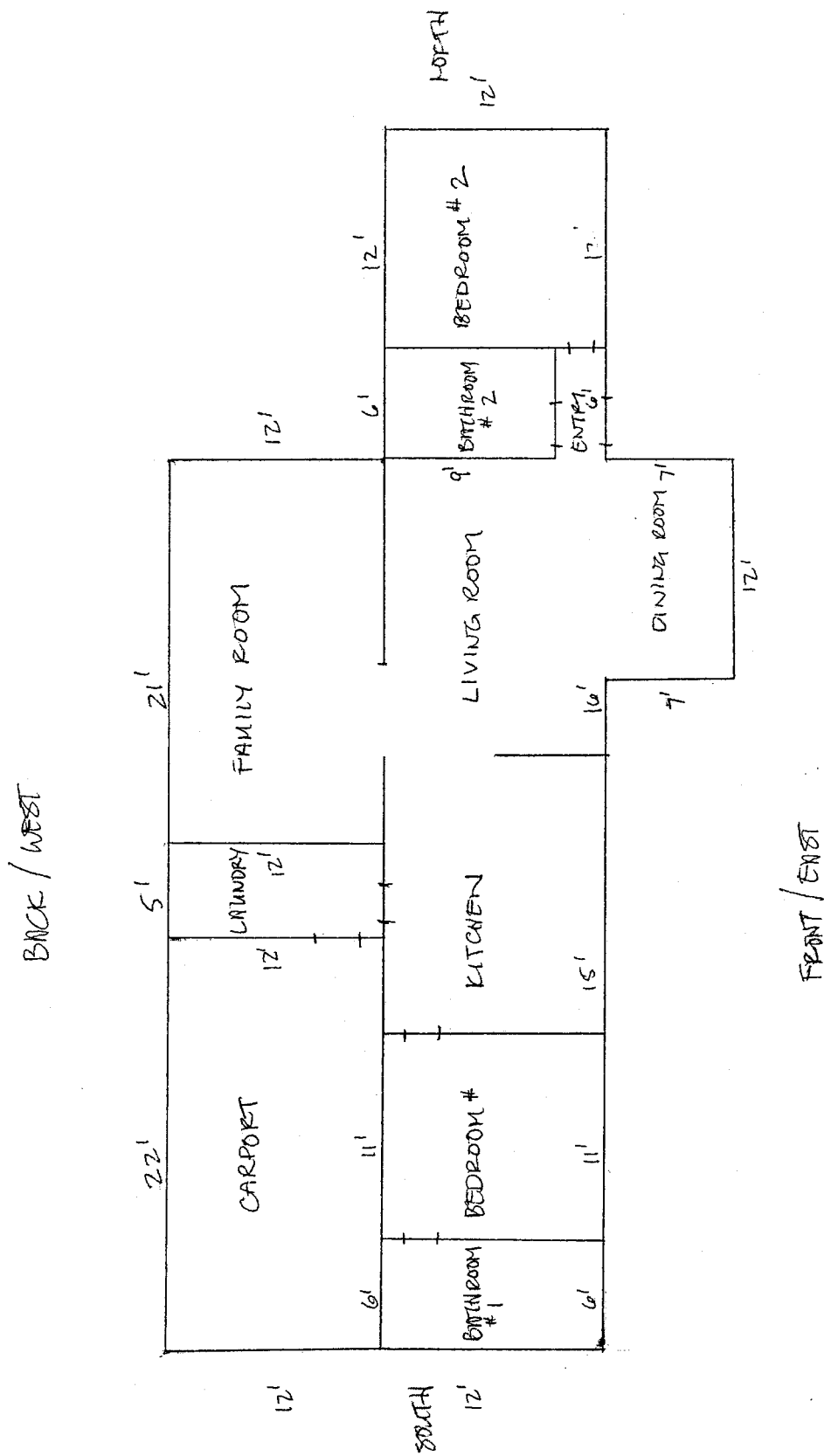


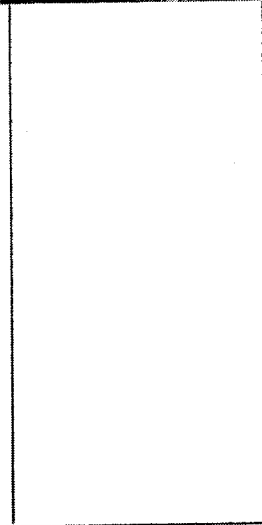
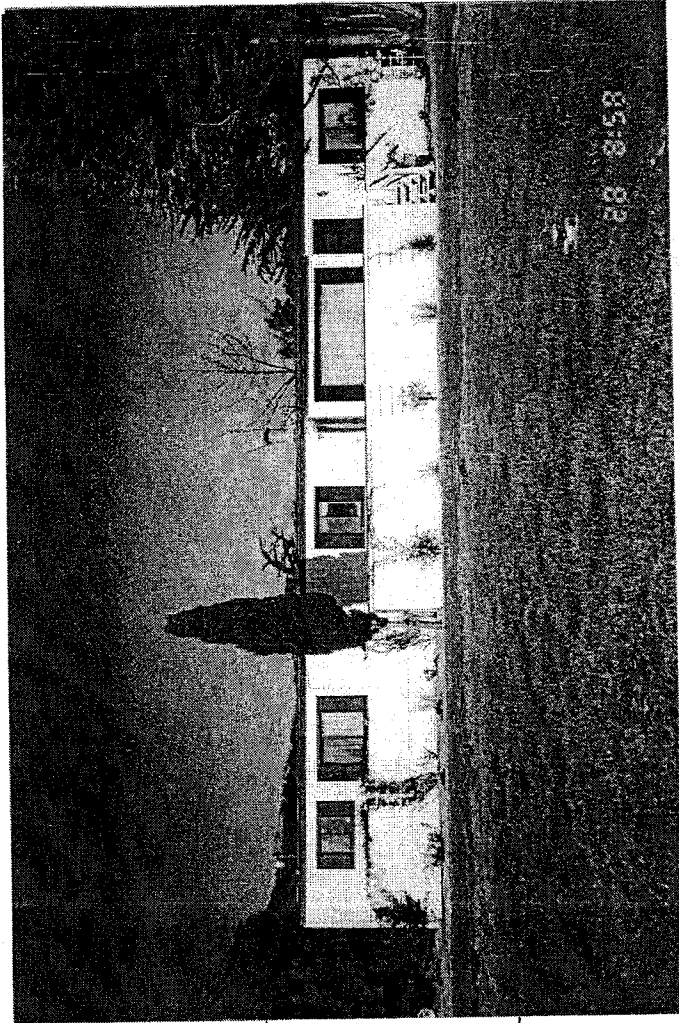
NOTE:
OWNER TO OBTAIN VARIATION SET-ALL
TO NEW HOUSE

EXHIBIT
Site Plan



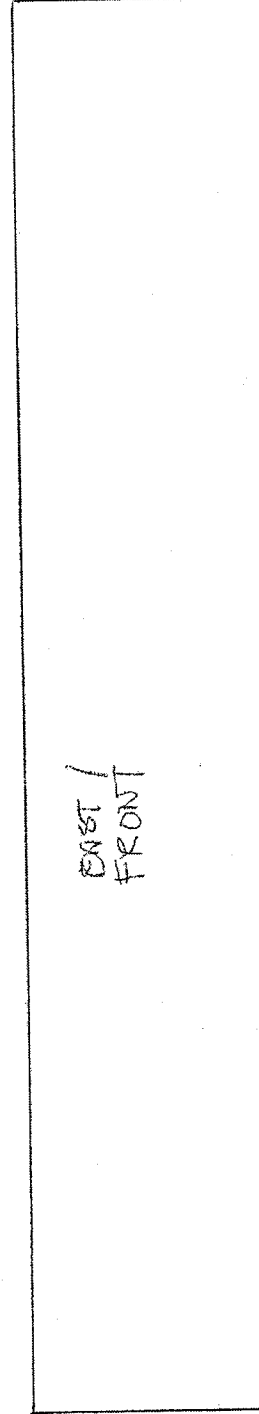
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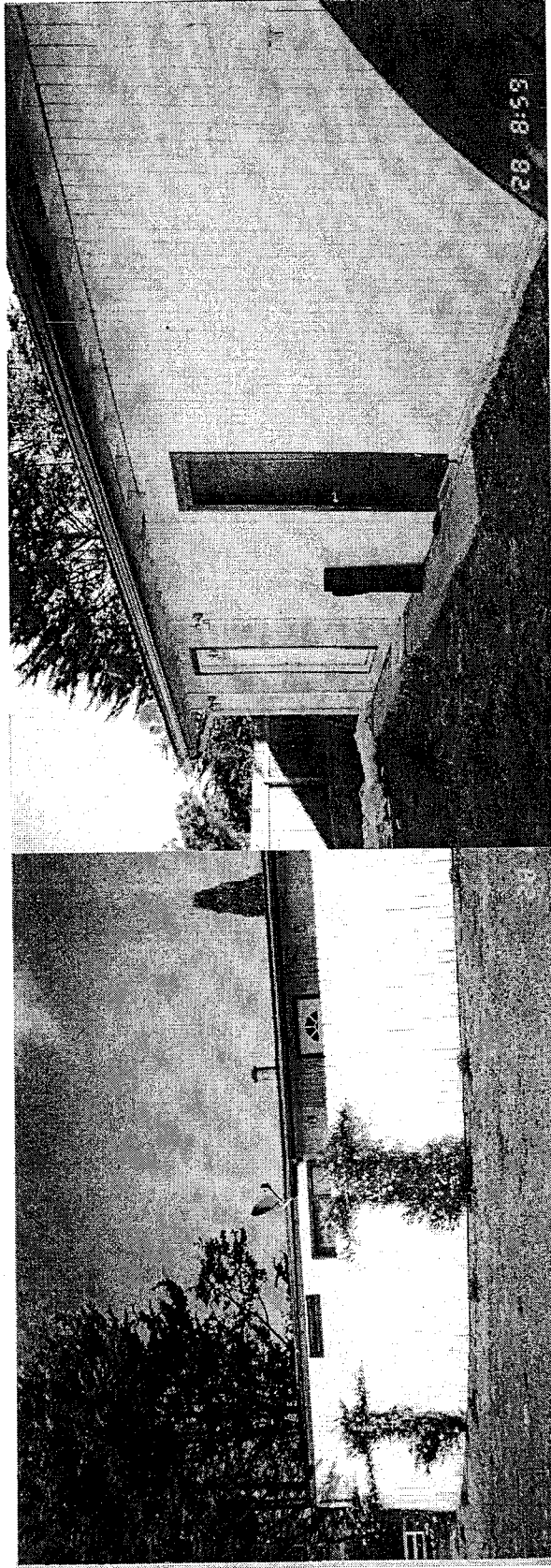
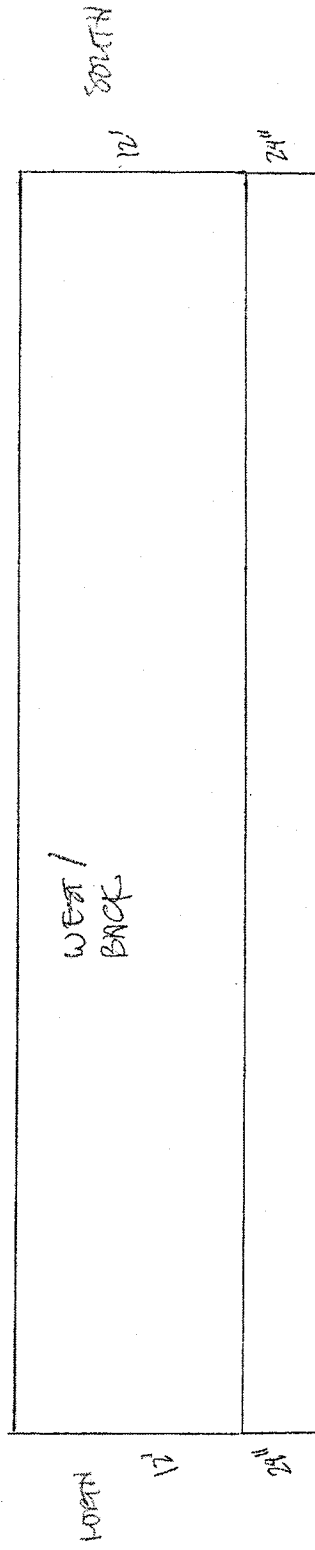
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EXHIBIT

Elevation





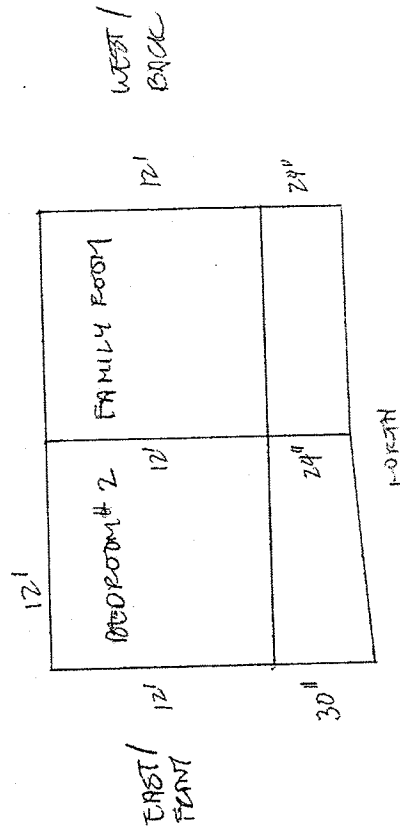
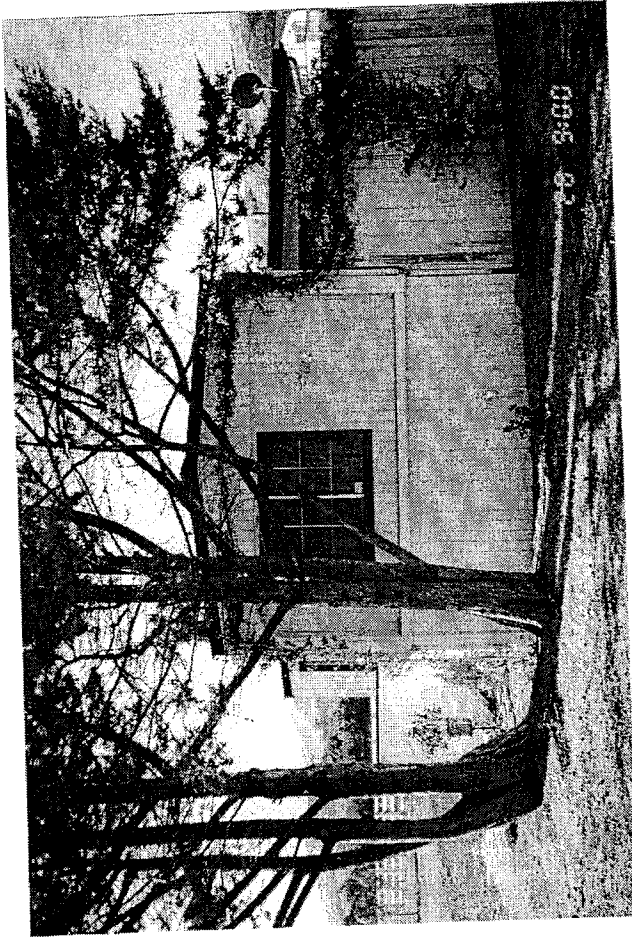
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EXHIBIT

Elevation





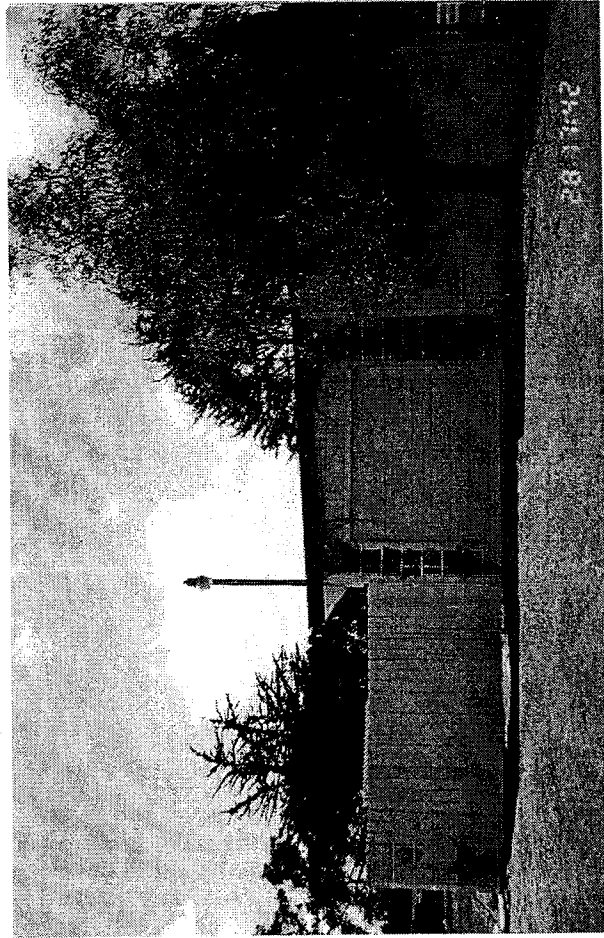
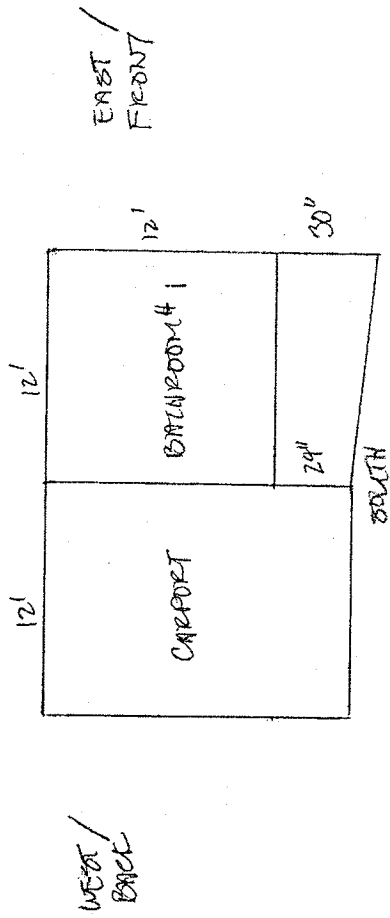
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EXHIBIT

Elevation





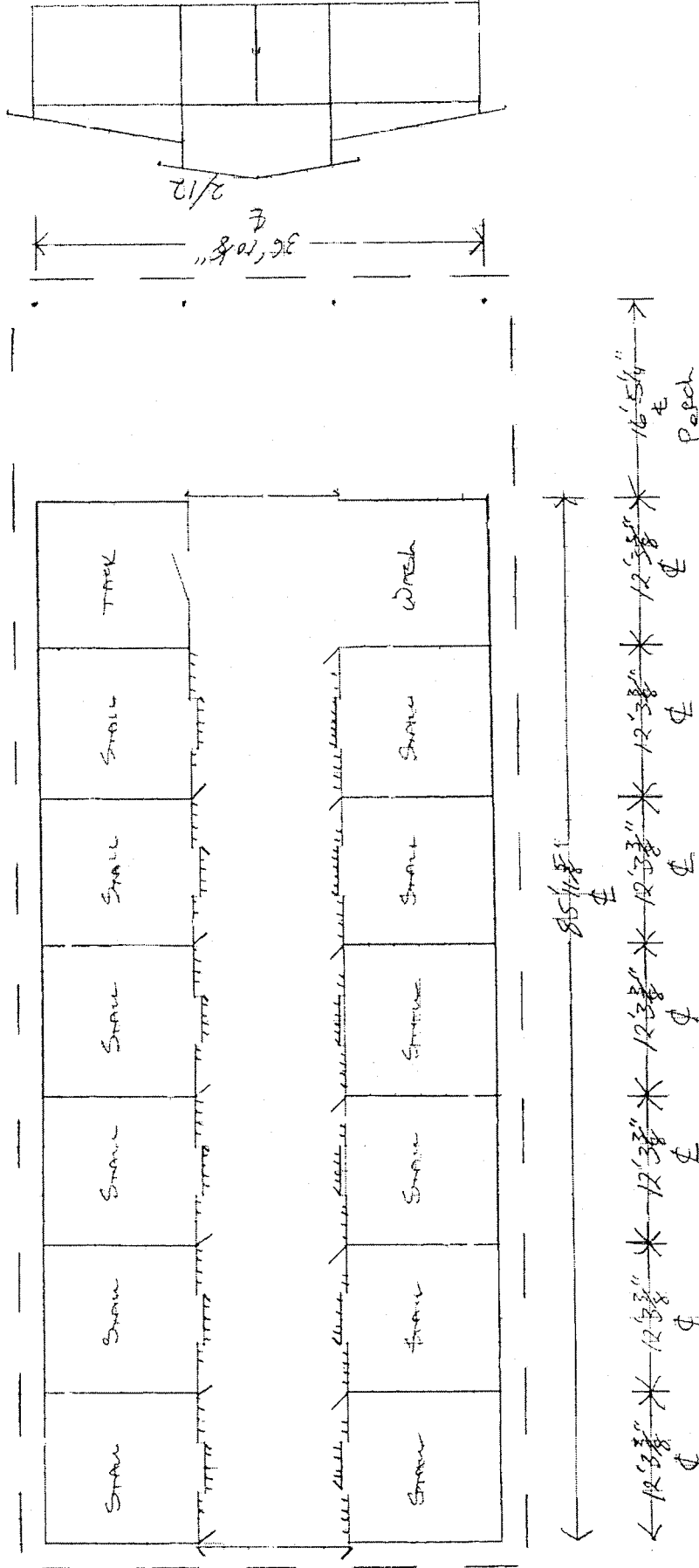
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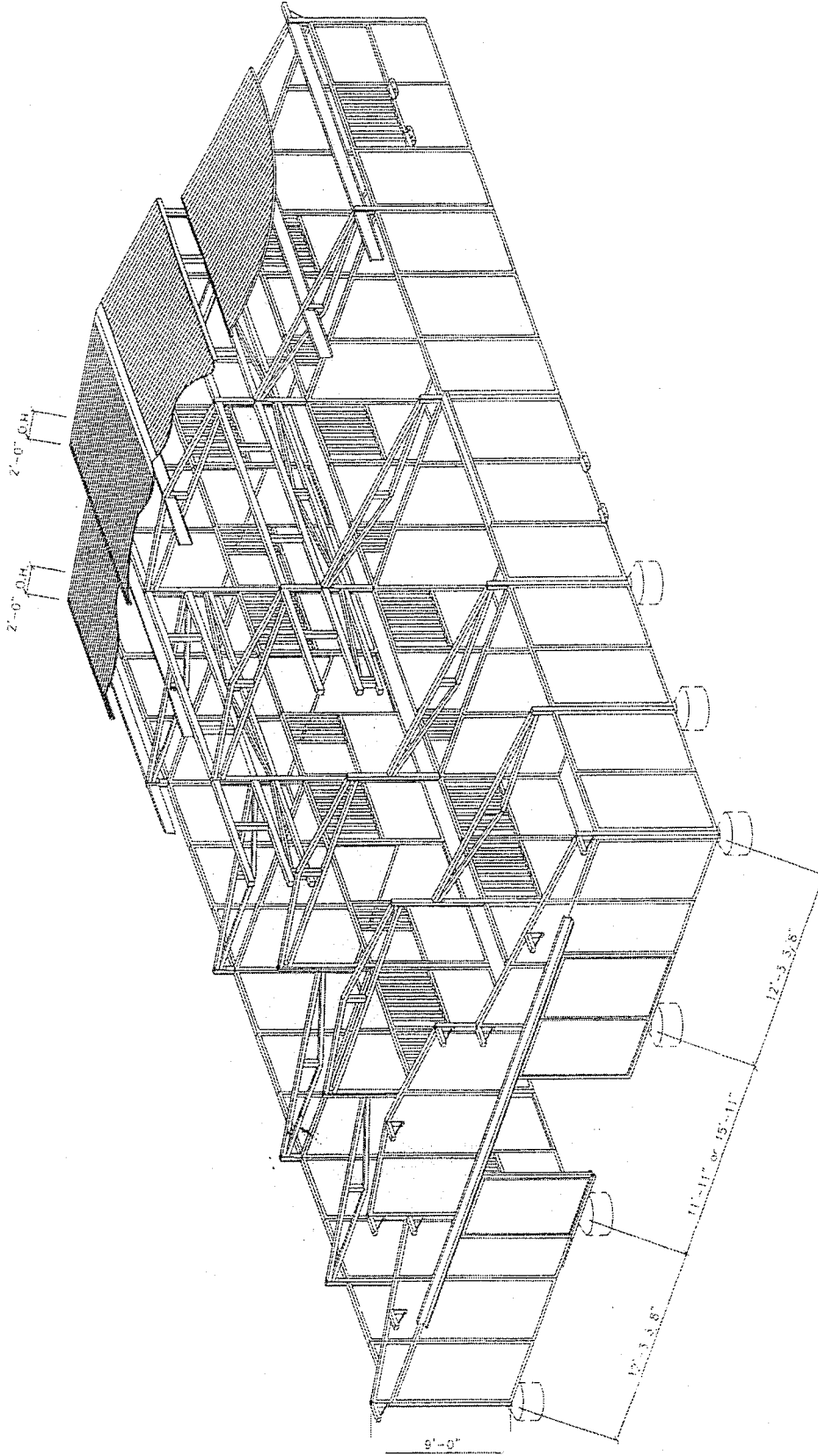
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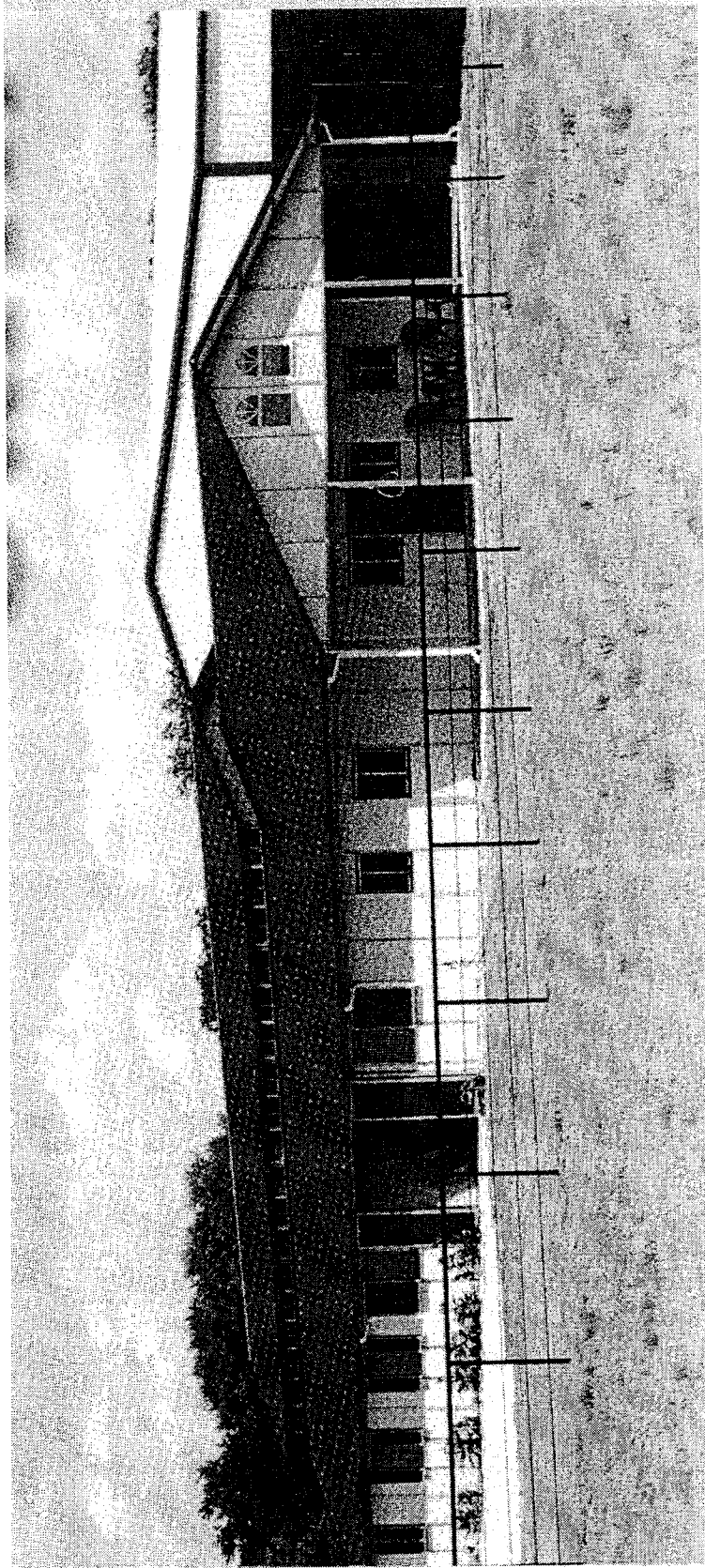
EXHIBIT

Raised Center Aisle



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EXHIBIT

Appearance



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REAR SIDEWALL ELEVATION



EXHIBIT

CT **Minor Use Permit**
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PROJECT